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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 CANA FOUNDATION, a non-profit
14 corporation, LAURA LEIGH, individually,
and WILD HORSE EDUCATION, a non-
15 profit corporation,

16 *Plaintiffs,*

17 v.

18 UNITED STATES DEPARTMENT OF
INTERIOR, BUREAU OF LAND
19 MANAGEMENT, and JON RABY, Nevada
State Director of the Bureau of Land
20 Management,

21 *Defendants.*
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23
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CASE NO. 2:22-cv-01200-CDS-BNW

**NOTICE OF MOTION AND MOTION
TO COMPLETE AND SUPPLEMENT
THE ADMINISTRATIVE RECORD**

1 Plaintiffs CANA Foundation, Laura Leigh, individually, and Wild Horse Education, by
2 and through their counsel, respectfully move the Court for an order directing Defendants United
3 States Department of Interior, Bureau of Land Management, and Jon Raby, Nevada State Director
4 of the Bureau of Land Management to complete and supplement the administrative record.

5 This Motion is based upon the Plaintiffs' Memorandum of Points and Authorities, as well
6 as any oral argument the court may entertain, and any other papers and pleadings in this action.

7
8 DATED: March 16, 2023,

Respectfully Submitted,

9 /s/ Jessica L. Blome

10 Jessica L. Blome

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Memorandum of Points and Authorities

I. Background

Between August 1, 2022 and August 12, 2022, the Bureau of Land Management (“BLM”) gathered and removed 804 wild burros and 218 wild horses from the Blue Wing Complex of Herd Management Areas, located in Nevada (hereinafter the “2022 Gather”). The animals were gathered by helicopters and of the 1,022 gathered, 14 were killed as a result of the 2022 Gather and the remaining 1,008 were shipped to off-range holding corrals to be prepared for BLM’s adoption and sales program or to live at long-term holding facilities.

The 2022 Gather was conducted pursuant to the Blue Wing Complex Gather Plan Final Environmental Assessment, DOI-BLM-NV-W010-2015-0034-EA, and its associated Finding of No Significant Impact and Decision Record (“2017 Gather-EA”), which was finalized in 2017 and authorizes phased gathers over a period of twenty years to maintain a wild horse population within the Appropriate Management Levels for the Blue Wing Complex. The BLM has never prepared a Herd Management Area Plan (“HMAP”) for the Blue Wing Complex, as required by the Wild Free-Roaming Horses and Burros Act (“Wild Horse Act”). An HMAP is a critical planning document for federal lands because, through a public process, it establishes long-term management objectives for individual herds of wild horses and burros and their specific habitats.

During the 2022 Gather, BLM denied meaningful public access to observe the gather operations and to observe the animals in temporary holding corrals. BLM shipped all of the wild burros to an off-range holding corral that was closed to the public. Plaintiffs and the public were denied any meaningful access to view or document a single burro during capture or in holding.

Plaintiffs’ First Amended Complaint alleges six causes of action:

1. **Writ of Mandamus, 28 U.S.C. § 1361:** seeking a writ of prohibition preventing Defendants from further gathering wild horses and burros under the 2017 Gather-EA until Defendants have fully complied with the Wild Horse Act by first preparing an HMAP;

2. **Administrative Procedure Act (“APA”), 5 U.S.C. § 706(1):** seeking an order compelling the BLM to prepare an HMAP for the Blue Wing Complex, as the BLM does not have discretion to ignore its mandatory duty to prepare an HMAP prior to the removal of wild horses and burros from the range;
3. **APA, 5 U.S.C. § 706(2)(A):** alleging that Defendants’ decision to conduct the 2022 Gather without first preparing an HMAP for the Blue Wing Complex was arbitrary, capricious, an abuse of discretion, and contrary to the law;
4. **APA, 5 U.S.C. § 706(2)(C):** alleging that Defendants exceeded their statutory jurisdiction and authority, as well as their own regulatory limitations, when they conducted the 2022 Gather without first preparing an HMAP for the Blue Wing Complex;
5. **National Environmental Policy Act, 5 U.S.C. § 706(2):** alleging that Defendants’ decision to conduct the 2022 Gather without analyzing significant environmental impacts during the 2017 Gather-EA process and adopting the 2017 Gather-EA was arbitrary and capricious, an abuse of discretion, and contrary to the law; and
6. **First Amendment of the U.S. Constitution:** alleging that Defendants interfered with Plaintiffs’ protected right to access wild horse gathers under the First Amendment and this Court’s prior precedent by refusing them access to certain aspects of the gather and holding operations. *See Leigh v. Salazar*, 954 F. Supp. 2d 1090, 1100-01 (D. Nev. 2013) (finding a qualified right to view wild horse gathers).

See ECF No. 24, First Amended Complaint (“Am. Compl.”). Completion and supplementation of the administrative record is absolutely necessary in order for Plaintiffs to fairly adjudicate their six causes of action.

II. Legal Standard

Judicial review of agency action under the Administrative Procedure Act (“APA”) is generally based on the administrative record that was before the agency at the time of its challenged action. *Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 420 (1971). The

1 administrative record “consists of all documents and materials directly or indirectly considered by
2 agency decisionmakers and includes evidence contrary to the agency's position.” *W. Watersheds*
3 *Project v. BLM*, No. 3:11-cv-00053-HDM-VPC, 2012 U.S. Dist. LEXIS 1068, at *2-3 (D. Nev.
4 Jan. 4, 2012) (quoting *Exxon Corp. v. Dep't of Energy*, 91 F.R.D. 26, 33 (N.D. Tex. 1981)). The
5 whole record includes all materials and documents considered by the agency, regardless of the
6 deliberative nature, and any withheld documents must be asserted in a privilege log. *Bartell Ranch*
7 *LLC v. McCullough*, No. 3:21-cv-00080-MMD-CLB, 2021 U.S. Dist. LEXIS 245622, at *6-8 (D.
8 Nev. Dec. 27, 2021).

9 The Ninth Circuit has recognized exceptions to the general rule limiting reviewing courts
10 to the administrative record in all APA cases, including “(1) if admission is necessary to determine
11 whether the agency has considered all relevant factors and has explained its decision, (2) if the
12 agency has relied on documents not in the record, (3) when supplementing the record is necessary
13 to explain technical terms or complex subject matter, or (4) when plaintiffs make a showing of
14 agency bad faith.” *Lands Council v. Powell*, 395 F.3d 1019, 1030 (9th Cir. 2005) (internal
15 quotations omitted).

16 The Ninth Circuit has also held that failure to act claims brought under 5 U.S.C. § 706(1)
17 and non-APA claims are not limited to judicial review of the administrative record. *See San*
18 *Francisco BayKeeper v. Whitman*, 297 F.3d 877, 886 (9th Cir. 2002) (review of a failure to act
19 claim is not limited to the record); *see also W. Watersheds Project v. Kraayenbrink*, 632 F.3d. 472,
20 497 (9th Cir. 2011) (courts may consider extra-record evidence in support of the non-APA claims
21 in a case that alleges both APA violations and non-APA violations).

22 **III. Argument**

23 Plaintiffs allege that administrative record is *incomplete* because there are deliberative
24 materials that were considered by BLM in making its decision to conduct the 2022 Gather without
25 first preparing an HMAP for the Blue Wing Complex that are not currently included in the record.
26 Plaintiffs also allege that the administrative record needs to be *supplemented* with evidence of the

1 BLM's legislative history and past policies and practices regarding HMAP preparations and
 2 Plaintiffs' First Amendment violation claim.

3 **A. Defendants must complete the administrative record with deliberative**
 4 **materials.**

5 The administrative record "is not necessarily those documents that the *agency* has
 6 compiled and submitted as 'the' administrative record." *Thompson v. United States Dep't of Labor*,
 7 885 F.2d 551, 555 (9th Cir. 1989) (*quoting Exxon Corp.*, 91 F.R.D. at 32) (emphasis in original).
 8 The whole administrative record "consists of all documents and materials directly
 9 or *indirectly* considered by agency decision-makers and includes evidence contrary to the agency's
 10 position." *Id.* (internal quotations omitted); *see also Animal Defense Council v. Hodel*, 840 F.2d
 11 1432, 1436 (9th Cir. 1988), *corrected*, 867 F.2d 1244 (1989).

12 Defendants must add to the administrative record all deliberative materials—including, but
 13 not limited to, communications between agency employees and officials and draft documents—as
 14 such materials are properly considered part of the record. *Bartell Ranch LLC v. McCullough*, No.
 15 3:21-cv-00080-MMD-CLB, 2021 U.S. Dist. LEXIS 245622, at *6-8 (D. Nev. Dec. 27, 2021). The
 16 currently deficient administrative record omits deliberative materials, including internal agency
 17 communications and directives related to HMAP preparation, apart from one internal email.
 18 Plaintiffs' counsel sent Defendants a letter via email on July 18, 2022, before the 2022 Gather
 19 began, explaining Defendants' legal duty to prepare an HMAP and a new or supplemental
 20 environmental assessment. Though the letter is included in the administrative record (AR03840-
 21 53), the email correspondences nor any internal deliberative materials where the BLM discussed
 22 its decision to continue with the 2022 Gather despite these legal duties are not included in the
 23 record.

24 Plaintiffs are also aware of prior agency directives and correspondence with Congress
 25 addressing the very question of whether the Wild Horse Act requires the preparation of an HMAP.
 26 These materials are highly relevant since "an agency changing its course must supply a reasoned
 analysis[.]" *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 57 (1983)
 (internal quotations omitted). For example, on information and belief, former Nevada State

1 Director Amy Lueders issued a directive regarding the preparation of HMAPs in Nevada in 2015
2 or 2016, which was then rescinded in 2017. If this prior state directive, or its rescission, were relied
3 on by the BLM in deciding to conduct the 2022 Gather without an HMAP for the Blue Wing
4 Complex, then the materials are properly within the administrative record and need to be added in
5 order to complete the record.¹

6 Deliberative materials are critical to Plaintiffs' claim that Defendants' decision to conduct
7 the 2022 Gather without first preparing an HMAP and a proper environmental assessment was
8 arbitrary and capricious. These deliberative and internal materials are necessary to determine if
9 Defendants improperly "relied on factors which Congress has not intended it to consider." *Motor*
10 *Vehicle Mfrs. Ass'n*, 463 U.S. at 43. Indeed, the Ninth Circuit in *Earth Island Institute v. Hogarth*
11 relied on various internal materials to find that the challenged policy was the result of improper
12 political and foreign affairs concerns—"factors Congress had not intended it to consider"—and
13 therefore arbitrary and capricious. *Earth Island Inst. v. Hogarth*, 484 F.3d 1123, 1129, 1134-35
14 (2007). Those materials included: (1) an internal memorandum and briefing materials; (2) various
15 internal communications; and (3) changing drafts of internal memoranda. *Id.*; *see also Native Vill.*
16 *of Point Hope v. Jewell*, 740 F.3d 489, 503–05 (9th Cir. 2014) (relying on internal emails to
invalidate an environmental assessment as arbitrary and capricious).

17 Defendants must complete the record and add all internal communications, including
18 deliberative materials and agency directives, explaining the agency's decision to conduct the 2022
19 Gather without first preparing an HMAP or a proper environmental assessment for the Blue Wing
20 Complex.

21 At the time of filing this motion, Defendants have not produced a privilege log, nor have
22 they claimed to have withheld any records. If Defendants purport to omit any records—including
23 deliberative materials—from the administrative record, Plaintiffs respectfully request an order

24
25 ¹ Even if the BLM claims that these materials were not directly or indirectly considered, the
26 materials speak to the agency's pattern and practice of preparing HMAPs under the Wild Horse
Act and need to be supplemented into the record as described in Section III.B.

1 directing the BLM to produce a privilege log. *See Bartell Ranch LLC*, 2021 U.S. Dist. LEXIS at
 2 *6-8 (ordering defendants to produce withheld deliberative materials, or alternatively identify
 3 withheld documents in a privilege log).

4 **B. Defendants must supplement the administrative record.**

5 Plaintiffs bring three distinct claims which require supplementation of the administrative
 6 record because they do not challenge an agency decision that is properly limited to review of an
 7 administrative record. These are Plaintiffs' APA § 706(1) failure to act claim, the mandamus claim,
 8 and the First Amendment violation claim.

9 1. Failure to Act Claim

10 Failure to act cases, by their nature, may present circumstances in which it is particularly
 11 appropriate to go beyond the formal administrative record:

12 [G]enerally judicial review of agency action is based on a
 13 set administrative record. However, when a court considers a claim
 14 that an agency has failed to act in violation of a legal obligation,
 15 "review is not limited to the record as it existed at any single point
 16 in time, because there is no final agency action to demarcate the
 17 limits of the record." *Friends of the Clearwater v. Dombeck*, 222
 18 F.3d 552, 560 (9th Cir. 2000); *see also Independence Min. Co., Inc.*
 19 *v. Babbitt*, 105 F.3d 502, 511 (9th Cir. 1997) (noting that when a
 20 suit challenges agency inaction, district court can consider
 21 supplemental statements of an agency position because there is no
 22 date certain by which to define the administrative record). The
 23 reason for this rule is that when a court is asked to review agency
 24 inaction before the agency has made a final decision, there is often
 25 no official statement of the agency's justification for its actions or
 26 inactions.

20 *San Francisco BayKeeper v. Whitman*, 297 F.3d 877, 886 (9th Cir. 2002). Using this same
 21 reasoning, this Court held that "[i]n determining whether to compel agency action under § 706(1),
 22 courts may look to evidence outside an agency's administrative record because 'there is no final
 23 agency action to demarcate the limits of the record.'" *Bundorf v. Jewell*, 142 F. Supp. 3d 1138,
 24 1144 (D. Nev. 2015) (*quoting Friends of the Clearwater v. Dombeck*, 222 F.3d 552, 560 (9th Cir.
 25 2000); *see also Consejo de Desarrollo Economico de Mexicali v. United States*, 438 F. Supp. 2d

1 1207, 1222 (D. Nev. 2006) (“Because the remaining claims are actions to compel agency action
2 unlawfully withheld, the Court will not limit its review to the Administrative Record”). Further,
3 this Court has permitted discovery related to the facts and circumstances surrounding the agency’s
4 alleged failure to act. *Sierra Club v. U.S. Dep’t of Transp.*, 245 F. Supp. 2d 1109, 1119 (D. Nev.
5 2003) (reasoning that discovery should be allowed where the requested information is necessary
6 to fairly adjudicate an issue presented by the case).

7 Plaintiffs allege that Defendants failed to act in violation of the APA § 706(1) when they
8 unlawfully withheld or unreasonably delayed their mandatory duty to prepare an HMAP for the
9 Blue Wing Complex. Am. Compl. ¶¶ 135-42. Defendants have only included three documents in
10 the record which discuss BLM policies regarding HMAPs. The first is the BLM’s Wild Horses
11 and Burros Management Handbook. AR00052-00131 (“Handbook”). The Handbook reaffirms the
12 language from 43 C.F.R. § 4710.4 stating that all management activities be “at the minimum
13 feasible level of management necessary to attain the objectives identified in approved land use
14 plans (LUPs) and Herd Management Area Plans (HMAP)” (AR00057) and notes that HMAPs are
15 prepared under 43 C.F.R. § 4710.3-1 (AR00062). *See* 43 C.F.R. § 4710.3-1 (“[t]he authorized
16 officer shall prepare a herd management area plan”). The Handbook otherwise only offers
17 guidance on how to prepare, analyze, and implement an HMAP. *See* AR00087-95. The second
18 document is the BLM Manual on Wild Free-Roaming Horses and Burros Management. AR00132-
19 38 (“Manual”). The Manual, like the Handbook, reaffirms the HMAP language from 43 C.F.R. §
20 4710.4 (AR00133; AR00137) and tasks district or field office managers with preparing HMAPs
21 for all HMAs in their offices (AR00135). Finally, the third document discussing HMAPs is the
22 BLM’s 2020 Report to Congress. AR03589-03621. In the report, the BLM relays its need to
23 “develop and/or update HMAPs” and highlights the process of developing and updating HAMPs
24 as an “opportunity to inform and involve the public in determining the best actions to take on an
25 HMA into the future.” AR03610-11. These three documents are not enough to “fairly adjudicate”
26 whether Defendants failed to act in not preparing an HMAP for the Blue Wing Complex since they
are merely three guidance documents that provide no insight into the BLM’s pattern, practice,

1 policy statements, or justifications for its decision not to act. In the past, Plaintiffs have specifically
 2 requested that Defendants prepare an HMAP for the Blue Wing Complex and are aware of at least
 3 one BLM directive and several internal communications regarding the BLM's duty to prepare an
 4 HMAP under the Wild Horse Act and agency regulations.

5 Plaintiffs respectfully request this Court to supplement the record for the failure to act claim
 6 and to include all documents, directives, memoranda, and communications regarding Defendants'
 7 decision not to prepare an HMAP for the Blue Wing Complex and all documents, directives,
 8 memoranda, and communications regarding Defendants' interpretations, practices, or policies
 9 regarding the duty to prepare HMAPs. For example, the 2015/2016 directive regarding the
 10 preparation of HMAPs in Nevada issued by former Nevada State Director Amy Lueders, which
 11 was then rescinded in 2017. Both the original directive and rescission memoranda are relevant to
 12 Plaintiffs' claim that 43 C.F.R. § 4710.4 requires the development of an HMAP and that
 Defendants have therefore failed to act under APA § 706(1).

13 2. Writ of Mandamus Claim

14 Plaintiffs allege two entirely distinct and separate non-APA claims in this case—a writ of
 15 mandamus and a violation of the First Amendment. Am. Compl. ¶¶ 126-134; 163-168. Courts may
 16 consider extra-record evidence in support of the non-APA claims in a case. *Kraayenbrink*, 632
 17 F.3d. at 497.

18 In a mandamus action, “courts have found discovery to be appropriate where an agency
 19 either completely abrogated its enforcement responsibilities or acted clearly outside the bounds of
 20 relevant statutes.” *Judicial Watch, Inc. v. Nat'l Energy Policy Dev. Grp.*, 233 F. Supp. 2d 16, 29
 21 (D.D.C. 2002) (citing *Conservation Law Foundation of New England, Inc. v. Clark*, 590 F. Supp.
 22 1467, 1473 (D. Mass. 1984)). Here, Plaintiffs allege that Defendants are in violation of the Wild
 23 Horse Act and 43 CFR 4710.4 by failing to prepare an HMAP for the Blue Wing Complex. It is
 24 therefore relevant and necessary for the record to contain materials shedding light on the agency's
 25 interpretation of the statute and regulation and past pattern, practice, and policies regarding them.
 26 By way of example, there may be an agency position statement from 1986 when 43 CFR 4710.4

1 was promulgated that this Court may find compelling in determining if the BLM has a duty to
 2 prepare HMAPs. *See* 43 CFR 4710.4 (“Management shall be at the minimum level necessary to
 3 attain the objectives identified in approved land use plans and herd management area plans.”).
 4 However, this agency position statement would not be, and in fact is not, included in the current
 5 record regarding the BLM’s decision to conduct the 2022 Gather.

6 In essence, the mandamus action is asking the Court to determine whether or not the BLM
 7 has a duty to prepare an HMAP for the Blue Wing Complex and that duty and judicial review goes
 8 beyond just the BLM’s recent decision to conduct the 2022 Gather without an HMAP. Therefore,
 9 Plaintiffs respectfully ask this Court to supplement the record for the mandamus claim and to
 10 include all documents, directives, memoranda, and communications regarding Defendants’
 11 interpretations, practices, or policies regarding the duty to prepare HMAPs.

12 3. First Amendment Claim

13 A direct constitutional challenge is reviewed independent of the APA. *Porter v. Califano*,
 14 592 F.2d 770, 781 (5th Cir. 1979). As such, the court is entitled to look beyond the administrative
 15 record in regard to this claim. *Id.* at 780; *Rydeen v. Quigg*, 748 F. Supp. 900, 906 (D.D.C. 1990);
 16 *see McNary v. Haitian Refugee Center, Inc.*, 498 U.S. 479, 493 (1991) (discussing a similar issue
 17 under the IRCA). Therefore, discovery as to the non-APA claim is permissible. *See Grill v. Quinn*,
 18 No. CIV S-10-0757 GEB GGH PS, 2012 U.S. Dist. LEXIS 6498, at *2, 5 (E.D. Cal. Jan. 20, 2012)
 19 (where plaintiff alleged “a claim for violation of procedural due process in addition to [an] APA
 20 claim,” the court could “look beyond the administrative record,” and permit limited discovery);
 21 *see also Webster v. Doe*, 486 U.S. 592, 604 (1988) (finding that a plaintiff who is entitled to judicial
 22 review of constitutional claims under the APA is entitled to discovery regarding those claims).
 23 When the factual allegations between the APA claims and the constitutional claims are different,
 24 the claims do not fundamentally overlap. *California v. United States Dep’t of Homeland Sec.*, No.
 25 19-cv-04975-PJH, 2020 U.S. Dist. LEXIS 57540, at *68-69 (N.D. Cal. Apr. 1, 2020). Further,
 26 courts have allowed discovery when “the administrative record is limited to the [a]gency’s
 rulemaking process and sheds no light on” the constitutional violations. *Id.* at *70.

1 Plaintiffs allege that Defendants violated their First Amendment rights by “refusing
2 [Plaintiffs] access to the gather, holding, and shipment operations and only providing them access
3 from far vantage points with known obstructed views.” Am. Compl. ¶ 165. Further, it is alleged
4 that Plaintiffs were “denied the right to observe a single wild burro during or after the gather at the
5 Blue Wing Complex.” *Id.* at ¶ 166. It is therefore necessary that Plaintiffs be allowed to submit
6 witness testimony and any photographs, videos, and audio captured during the 2022 Gather that
7 describe and illustrate any public access that was granted or denied during the gather operations.
8 As fully described in the First Amended Complaint, First Amendment right of access claims
9 require that the court determine “(1) whether the place and process have historically been open to
10 the press and general public and (2) whether public access plays a significant role in the functioning
11 of the particular process in question.” *Id.* at ¶¶ 62-67 (quoting *Leigh v. Salazar*, 677 F.3d 892, 898
12 (9th Cir. 2012)). If both are answered in the affirmative, a qualified right applies, and “the
13 government may only overcome that right by demonstrating an overriding interest based on
14 findings that closure is essential to preserve higher values and is narrowly tailored to serve that
15 interest.” Am. Compl. ¶ 65 (quoting *Leigh v. Salazar*, 954 F. Supp. 2d 1090, 1101 (D. Nev. 2013)).
16 Finally, the Court has “a duty to conduct a thorough and searching review of any attempt to restrict
public access.” Am. Compl. ¶ 66 (quoting *Leigh*, 677 F.3d at 900).

17 Plaintiffs are willing to forgo their right to a full trial—and instead to submit their
18 arguments on summary judgment, but Plaintiffs will be wholly unable to show that their qualified
19 right to access was violated by the government’s restrictions if they are not able to present any of
20 their evidence from the 2022 Gather. It would be highly prejudicial to not allow Plaintiffs to enter
21 evidence of their injuries resulting from the alleged constitutional violation. The administrative
22 record currently only includes BLM’s own provisions of access and does not include anything that
23 Plaintiffs submitted during the course of the gather. *See, e.g.*, ECF Nos. 10-1, 10-2, Declarations
24 of Laura Leigh and Laurie Ford in Support of Plaintiffs’ Motion for a Temporary Restraining
25 Order (declaring that a standing request to view the holding corrals every day was denied, that
26

1 Defendants intentionally obstructed views, and that they were unable to view the horses, burros,
2 and BLM's handling practices before they were shipped to a facility with no public access).

3 Given the legal standard and burdens for a First Amendment qualified right of access claim,
4 Plaintiffs request that the Court expand the record to include:

- 5 1. Communications evaluating, discussing, or otherwise regarding public access to
6 observe the 2022 Gather and the horses in holding;
- 7 2. All reports, policies, protocols, press releases, and other documents and
8 communications that describe historical public access to BLM gathers and holding
9 facilities;
- 10 3. Any contracts or communications within the agency or with third parties regarding
11 facility placement of the horses and public access to gather and holding operations for
12 the 2022 Gather;
- 13 4. Photographs, videos, and audio that Plaintiffs and other members of the public
14 documented and submitted to the BLM regarding their access to the 2022 Gather; and
- 15 5. Witness testimony, the form of Plaintiffs' supplemental declarations, describing
16 public access to observe the 2022 Gather and the horses in holding, as well as
17 historical public access to BLM gathers and holding facilities.

18 **IV. Conclusion**

19 For the foregoing reasons, Plaintiffs respectfully request that this Court grant Plaintiffs'
20 motion to complete and supplement the administrative record.
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1 DATED: March 16, 2023,

Respectfully Submitted,

2 /s/ Jessica L. Blome

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